

CHIEF JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
DARIO FARIAS-VALDOVINOS,
Defendant.
No. CR20-0087-RSM
FOURTH UNOPPOSED MOTION TO
CONTINUE TRIAL AND EXTEND
PRETRIAL MOTIONS DEADLINE
Note for: June 1, 2021

Dario Farias-Valdovinos, through Assistant Federal Public Defender Vanessa Pai-Thompson, respectfully requests a continuance of the trial date to August 16, 2021. Mr. Farias-Valdovinos further requests that a new pretrial motions deadline be set in accordance with the new trial date. The government does not oppose this request.

In support of this motion, counsel states:

1. Mr. Farias-Valdovinos was charged with one count of conspiracy to possess and attempt to possess cocaine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846.

2. Mr. Farias-Valdovinos was arrested on July 16, 2020 and made his initial appearance the same day. Dkt. 23.¹ The government moved for his detention. Dkts. 22, 23. Following a detention hearing held on July 31, 2020, Mr. Farias-Valdovinos was

¹ The executed arrest warrant for Mr. Farias-Valdovinos has not yet been filed. His arrest date appears on the docket in an unnumbered entry between docket entries 18 and 21.

1 ordered detained. Dkts. 34, 35. He remains detained at the Federal Detention Center,
2 SeaTac, Washington.

3 3. On July 31, 2020, Mr. Farias-Valdovinos was arraigned upon the
4 Indictment and pleaded not guilty to all charges. Dkt. 34. Trial in this matter has been
5 continued three times, and is presently set for June 14, 2021. Dkt. 45.

6 4. Mr. Farias-Valdovinos, through counsel, now requests that the Court
7 continue the trial date in this matter to August 16, 2021, and set a new pretrial motions
8 deadline in accordance with the new trial date.

9 5. If convicted as charged, Mr. Farias-Valdovinos faces a mandatory
10 minimum penalty of ten years' imprisonment. 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),
11 and 846. Mr. Farias-Valdovinos has pleaded not guilty, and counsel needs additional
12 time to prepare for trial in this matter.

13 6. Counsel for Mr. Farias-Valdovinos needs additional time to review and
14 synthesize discovery, conduct investigation, perform legal research, draft motions, and
15 consult with and advise their clients. Preparation in this case is rendered more time
16 consuming by current conditions at the FDC given the COVID-19 pandemic, which
17 limit counsels' ability to confer with her client. Although some in-person visitation has
18 resumed at the FDC, the need for multiple FPD case team members and a Spanish
19 interpreter to be present during meetings renders in-person meetings unworkable at this
20 time. Mr. Farias-Valdovinos's need for a Spanish interpreter renders review of his
21 discovery, discussing his case, and preparing for trial more time-consuming. Even with
22 the exercise of due diligence, counsel cannot accomplish the tasks outlined above by
23 the current trial date of June 14, 2021.

24 7. Mr. Farias-Valdovinos has authorized counsel to electronically execute a
25 speedy trial waiver on his behalf through August 30, 2021, which will be filed with this
26 motion.

1 8. A copy of this motion was provided to Assistant United States Attorney
2 Lyndsie Schmalz for review prior to filing. The government does not oppose this
3 request.

4 For these reasons, the parties request the Court find that:

5 (a) taking into account the exercise of due diligence, a failure to grant a
6 continuance would deny counsel for the defendant the reasonable time necessary for
7 effective preparation, due to counsel's need for more time to review the evidence,
8 consider possible defenses, and gather evidence material to the defense, as set forth in
9 18 U.S.C. § 3161(h)(7)(B)(iv); and

10 (b) a failure to grant a continuance would likely result in a miscarriage of justice,
11 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

12 (c) the additional time requested is a reasonable period of delay, as the defendant
13 has requested more time to prepare for trial, to investigate the matter, to gather evidence
14 material to the defense, and to consider possible defenses; and

15 (d) the ends of justice will best be served by a continuance, and the ends of
16 justice outweigh the best interests of the public and the defendant in any speedier trial,
17 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

18 (e) the additional time requested between the current trial date of June 14, 2021,
19 and the new trial date is necessary to provide counsel for the defendant reasonable time
20 to prepare for trial considering counsel's schedule and all of the facts set forth above.

21 //

22 //

23 //

24 //

25 //

Based upon the foregoing, counsel respectfully requests a continuance of the trial date to August 16, 2021, and an extension of the pretrial motions deadline to a date set in accordance with the new trial date. Counsel further asks the Court to exclude the time period from the date of the Court's order to the new trial date for purposes of computing the time limitations imposed by the Speedy Trial Act.

DATED this 1st day of June, 2021.

Respectfully submitted,

s/ *Vanessa Pai-Thompson*
Assistant Federal Public Defender
Attorney for Dario Farias-Valdovinos

CHIEF JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. CR20-0087-RSM
Plaintiff,)
v.) (PROPOSED) ORDER GRANTING
DARIO FARIAS-VALDOVINOS,) FOURTH UNOPPOSED MOTION TO
Defendant.) CONTINUE TRIAL AND EXTEND
) PRETRIAL MOTIONS DEADLINE
)

THE COURT has considered the unopposed motion of the parties to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the ends of justice will best be served by a continuance, and the ends of
2 justice outweigh the best interests of the public and the defendant in any speedier trial,
3 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

4 (e) the additional time requested between the current trial date of June 14, 2021,
5 and the new trial date is necessary to provide counsel for the defendant the reasonable
6 time necessary to prepare for trial, considering counsel's schedule and all of the facts
7 set forth above; and

8 (f) the period of delay from the date of this order to the new trial date is
9 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

10 IT IS THEREFORE ORDERED that the trial date in this matter shall be
11 continued to August 16, 2021, and that pretrial motions shall be filed no later than
12 _____, 2021.

13 DONE this _____ day of June, 2021.

14
15
16
17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26

Presented by:

s/ Vanessa Pai-Thompson
Assistant Federal Public Defender
Attorney for Dario Farias-Valdovinos